

Order

**Michigan Supreme Court
Lansing, Michigan**

December 13, 2007

Clifford W. Taylor,
Chief Justice

134493
134500

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SBC MICHIGAN,
Plaintiff-Appellant,

v

SC: 134493
COA: 264862
MPSC: 00-013079

MICHIGAN PUBLIC SERVICE COMMISSION,
Defendant-Appellee.

SBC MICHIGAN,
Plaintiff-Appellee,

v

SC: 134500
COA: 264862
MPSC: 00-013079

MICHIGAN PUBLIC SERVICE COMMISSION,
Defendant-Appellant.

On order of the Court, the applications for leave to appeal the June 17, 2004 and June 12, 2007 judgments of the Court of Appeals are considered, and they are GRANTED. The parties shall include among the issues to be briefed: (1) what legal framework appellate courts should apply to determine the degree of deference due an administrative agency in its interpretation of a statute within its purview; (2) whether the Court of Appeals erred in deferring to the Michigan Public Service Commission's interpretation of MCL 484.2502(1)(a); (3) whether the Commission abused its discretion in applying this statutory provision to a carrier's diagnostic mistakes; and (4) whether the Court of Appeals erred in holding that the Commission lacks the jurisdiction to prohibit the imposition of a fee for a carrier's inspection of its own services when that inspection eliminates the carrier as the cause of a service disruption. The parties shall detail the relationship between state regulatory authority and federal authority regarding de-regulation in addressing the last question.

The Clerk of the Court is directed to place this case on the March 2008 session calendar for argument and submission. Appellants' brief and appendix must be filed no later than January 25, 2008, and appellees' brief and appendix, if appellees choose to submit an appendix, must be filed no later than February 15, 2008.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae, to be filed no later than February 27, 2008.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 13, 2007

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk